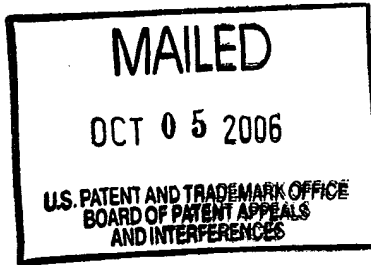


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NICHOLAS WILLIAM SINCAGLIA et al.

Application 09/777,500

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

On September 18, 2006, an Order Returning Undocketed Appeal was mailed which requested:

1. consideration of the IDS filed July 26, 2006 and appropriate notification to appellants regarding the Primary Examiner's decision; and
2. for taking corrective action regarding the appeals conference.

An examination of the Image File Wrapper (IFW) reveals that while the Examiner's Answer mailed September 27, 2006 corrected the problem with the appeals conference, the concern regarding consideration of the IDS filed July 26, 2006 was not addressed. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for consideration of the IDS filed July 26, 2006, and appropriate notification to appellants regarding the Primary Examiner's decision; and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *G. P. Edgell for Dale Shaw*
DALE M. SHAW
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DMS:psb

Application 09/777,500

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